

27 SEP 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

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Donald S. Dowden  
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In re Application of	:	
MOLLER LARSEN et al.	:	
Application No.: 10/534,769	:	DECISION
PCT No.: PCT/DK03/00778	:	
Int. Filing Date: 12 November 2003	:	
Priority Date: 12 November 2002	:	
Attorney Docket No.: 1175/74050	:	
For: LIGHTNING PROTECTION OF A PITCH- CONTROLLED WIND TURBINE BLADE	:	

This is a decision on applicants' "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed 22 August 2006 in the United States Patent and Trademark Office (USPTO).

**BACKGROUND**

On 12 November 2003, applicants filed international application PCT/DK03/00778, which designated the United States and claimed a priority date of 12 November 2002. A copy of the international application was communicated from the International Bureau to the USPTO on 27 May 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 12 May 2005.

On 12 May 2005, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 18 October 2005, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date were required.

On 21 December 2005, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors, the surcharge under 37 CFR 1.492(e) for providing the declaration of inventors later than thirty months from the priority date, a copy of an assignment, and a copy of a memo from Soren Hoffer.

On 23 February 2006, a decision was mailed dismissing applicants' petition under 37 CFR 1.47(a) without prejudice for failing to provide factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort.

On 22 August 2006, applicants filed the instant "RENEWED PETITION UNDER 37 CFR 1.47(a)" which was accompanied by, inter alia, a petition/fee for a four month extension of time, a copy of an e-mail exchange between Donald Dowden and a reference service in Denmark, a copy of a letter from Mr. Dowden to non-signing inventor Flemming Moller Larsen, a copy of a FedEx international air waybill, and a printout of a FedEx tracking report.

### **DISCUSSION**

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the decision mailed 23 February 2006, items (1), (3) and (4) have been met.

Item (2) has now been met as well. Mr. Moller Larsen has been presented with a copy of the application papers and his conduct constitutes a refusal to sign.

### **CONCLUSION**

For the above reasons, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **21 December 2005**.



Daniel Stemmer

Legal Examiner

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In re Application of  
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Dear Mr. Moller Larsen:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

A handwritten signature in black ink, appearing to read "Daniel Stemmer".

Daniel Stemmer  
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